

County attorney says e-mails constitute political advocacy

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Robert Boyer / Times-News

An e-mail from Fairness Alamance member Hannah Gill appears to show her engaging in political activity while on the job at the University of North Carolina in violation of a federal law that prohibits such activity by government workers, says Alamance County Attorney Clyde Albright.

Gill, the assistant director of UNC's Institute for the Study of the Americas, says she was not working and didn't use a university computer when she sent an e-mail notifying recipients about an investigation into the alleged profiling of Hispanics at the Alamance County Sheriff's Office, and announcing a campaign event for Democratic challenger for sheriff Ron Parrish. Albright said he will turn over any information that appears to be a Hatch Act violation to the N.C. Board of Elections in Raleigh and the Office of University Counsel at UNC. Albright's intentions left Don Wright, the legal counsel for the N.C. Board of Elections, scratching his head.

"Doesn't he know about the Hatch Act? ... It's a federal matter," said Wright. "I'm just going to say, 'What in the heck are you doing?'"

Officials at the University of North Carolina, not Albright, should investigate if they feel Gill was engaged in political activity while working in violation of the Hatch Act, said Wright. The Hatch Act is a federal law that limits certain political activities by some federal employees.

State law does prohibit state employees like Gill from engaging "in political activity while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the State" or otherwise "using the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election ..."

His agency regulates state elections, not Hatch Act violations, Wright said. If a state agency like UNC thinks there is "a misuse of state property," it is the agency's responsibility "to investigate and get involved in."

At issue is an e-mail Gill sent at 10:31 a.m. on June 23 informing recipients of the Justice investigation and how they can contact the federal agency. (The June 23 email is identical to a July 5 e-mail from Gill sent at 10:25 p.m. that Commissioner Tim Sutton provided recently to the Times-News.)

In her e-mail, Gill mentioned four presentations on the Justice investigation she and fellow Fairness members Laura Roselle and Blanca Nienhaus gave to English as a Second Language classes at the Burlington campus of Alamance Community College.

In that e-mail, Gill also announced a July 17 fundraiser for Parrish. "If you are interested in helping sell raffle tickets, contact Laura Roselle," she concludes in the e-mail.

In Albright's opinion, Gill's e-mail was sent while she was working and is therefore a violation of the Hatch Act.

Albright's contentions, and his work to get information from her UNC e-mail account and from ACC officials, are part of an effort to throw the spotlight off the Justice investigation, Gill said. "This is a baseless allegation meant to intimidate me," she said.

Albright obtained the June 23 e-mail from Alamance Community College President Martin Nadelman after asking the college to provide e-mails and other information from Gill, Roselle "and other persons associated with Fairness Alamance, as well as all public records to or from

or copied to" Gill and Roselle "that describe, detail, or in any way relate to the association known as Fairness Alamance, the 287(g) program in Alamance County, and illegal immigration, including, but not limited to, all correspondence, including e-mail correspondence ... regarding the ongoing Department of Justice investigation in Alamance County, Fairness Alamance and the support of political agendas in the upcoming Alamance County elections. "These records," Albright continued, "should include those records stored on personal home computers that were accessed by any Alamance Community College employees or faculty via university college computers as well as their daily calendars for the period January 1, 2007, through the present."

At Albright's request, Nadelman also provided a July 21 e-mail that Arleen Frye, ACC English as a Second Language Coordinator, sent to Gill regarding a media request about Fairness' ESL presentations. Frye asked Gill about what she and the other Fairness Alamance members said to the classes and said she would tell ACC spokesman Ed Williams that Fairness Alamance "has an open invitation to visit our classes and share info that affects our students!" Williams said Thursday that Fairness, like other community groups, held scheduled meetings at the Burlington campus, but were not authorized to make presentations to classes. Albright has also asked **Regina Stabile**, UNC's director of institutional records and reporting compliance, for e-mails from Gill and Savannah Helvey, a rising sophomore at UNC who is Gill's daughter.

Albright said he decided to file the information requests with UNC and ACC after Justice officials refused to provide the identity of those who had complained to Justice, and refused to provide specific allegations of profiling.

Stabile hasn't provided copies of the e-mails, but has said she would, Albright said.

Stabile was unavailable for comment Thursday.

In a July 28 e-mail to Gill, Nadelman took Gill to task for her June 23 e-mail. "When we spoke Monday, I distinctly remember you saying that Fairness Alamance was not advocating support for Ron Parrish, because you had members who supported both major political parties. Yet, when I read the below e-mail, you are indeed coming out directly and advocating for Ron Parrish, in writing.

"This is disappointing, because I took you at your word," Nadelman continued. "I truly hope when you went to the ESL classes at ACC that this stance was not mentioned. As I indicated, because of your actions, the reactions from some in the community may actually serve the reverse of what you had intended. When those who question the actions taking place on our campus are in a position to negatively affect our ability to serve, then the initial actions may do more harm than good."

Gill said Fairness limited its ESL presentations to the Justice investigation and how to contact a Justice official and "never" spoke about Parrish, other political candidates or engaged in political activity.

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